

1869-011 Chancery Causes: Joel S. Cox vs Heirs of Jeremiah Skaggs &
Lee Co.

Andis, Shelton, Burke, Scaggs, Burk, Burns

1 Plat

CA-Contract Dispute
T-Property

Virginia Lee county court to wit

To the worshipful Justices of the Lee County Court in chancery sitting, your orator Joel S. Gore, humbly complaining respectfully represents to your worships, that one Jeremiah Skeggs in his lifetime owned in fee simple and was in the possession of a tract of about 200 acres of Land situate lying in Lee County in or near Yocum Station since his death known & called by the name of the home tract this Land he derived title to by a deed from his father John Skeggs to him, and by a deed from Tobias Pennington and wife, copies of which in due time will be filed as a part of this Bill. By which it will more fully, and at large appear, he also owned other Lands bought of Hobbs, that he had not paid for, and to which he perhaps had no deed, this Land adjoining the home tract, and was called & is known as the Hobbs tract. This latter Land is not in controversy in this suit, your orator charges that Jeremiah Skeggs died intestate in this County on the day of 18 and his lands descended to Sarah J. Shelton late Skeggs, who has intermarried with Fleming F. Shelton, Martha Ann Burk, late Skeggs who intermarried with Stephen Burk, Polly Skeggs, John Skeggs, Manerva Skeggs, Rebeca Skeggs and Elizabeth Skeggs, they being his children, it was however included with the dower of his widow Mornan Skeggs, she has now intermarried with John Andrews, all the children are infants that Moss Shelton, Moss Burk is married, but she intermarried with an infant also, he further represents that John Skeggs Sr. Samuel Burk, and John Andrews, were appointed and qualified the guardians of the infants, the orders of the Court.

appointing them guardians are referred to & copies thereof
will be filed in due time & when so filed are paid to
be taken & considered parts of this Bill, the guardian
and took possession of the whole lands as such
guardians and have rented them out from year to
year ever since taking Bonds for the rents to
themselves & perhaps have collected a part of the rents.
your orator further charges, that on the day of
1856 Fleming & Shelton and his wife Sarah
& Shelton for the consideration of \$350, paid to them
by your orator sold him their undivided interest
in that part of the Lands known & called the home
tract, and have since conveyed it to him by a
deed which will be filed in due time & when so
filed is prayed to be taken & considered a part of
this Bill, notwithstanding your orator thereby
is invested with the right to one full seventh
part of the said tract, and the said guardians
had notice of it, they have wholly failed to divide
said land and have for two years rented
the whole land & took Bonds to themselves as
guardians of the infants for the rent, and
are holding & claiming the same as due their
wards or as a part of their estate, notwithstanding
your orator has for two years been the owner of
one equal seventh part of the whole of said
land. your orator rented a part one year himself
at \$25, and gave his Bond to the guardians, hop-
ing thereby to get his own, but said guardians
took your orator's Bond payable to them for it
and have collected in repairs done by your orator
on the place \$8, and will unjustly collect the
residue unless restrained from doing so, your
orator further charges that he is entitled to have paid
one of said lands and have laid off to him
one full seventh part of said land, and to
an account of the rents & profits issuing out
of the home tract ever since he bought the same
yet his co-tenants and their guardians have
still so failed & refuse to make partition thereof
with him, and account to & pay him his just
proportion of the rents, but on the contrary still
go on and rent the whole tract & take Bonds
to themselves for the rents, and claim that
they have the right & will ~~not~~ apply the whole
rent to the payment of a balance of purchase
money they say Jeremiah Stiggs once sold
the whole tract, never has been assigned
to the widow, your orator owns other lands
adjoining to the Jeremiah Stiggs home tract
aforesaid, he is remediless at law & can only
obtain relief in equity, he prays your worship
to grant him relief, he prays for partition
to be made of said lands amongst those
entitled thereto and that his share thereof
being one seventh be laid off out of said
allotted to him of the lands adjoining to
orator's other lands, that an account be taken
of the rents and profits issuing out of
the home tract, since your orator bought
Shelton & wife's interest and that the
guardians be ordered & decreed to pay the
same over to your orator, he prays for all
such general relief as his case merits in Equity

To that End he makes Norman Andrews & her husband
 John Andrews, Sarah J Shelton & her husband Fleming
 H Shelton, Martha Ann Burk & her husband Stephen Burk
 Sally Skeggs, John Skeggs & Manervy Skeggs, Rebecca Skeggs
 Elizabeth Skeggs, John Skeggs Sr & Samuel Burk
 parties defendant herto, and prays that they answer
 this Bill on oath, and may it please your
 worships to award him the comminment's writ of
 spca against the defendants commanding &c and
 as in duty bound he will ever pray &c.

Burns P g

Bill of Exchange

Bill

Norman Skeggs & Co

Pay to the order of

John Skeggs & Co

of the County of

Shelton

for the sum of

Five hundred

and no/100

dollars

and no/100

dollars

and no/100

dollars

and no/100

dollars

and no/100

dollars

and no/100

dollars

25 59
5-00
5-00
7-00
9-00
52-00
5-00
106-59

To the worshipful County Court of Lee
County.

The answer of Henry J. Morgan Guardian
ad litem for, Martha Ann Burk, Steph-
en Burk, Polly Skeggs, John Skeggs
Mamerva Skeggs, Rebecca Skeggs & Elizabeth
Skeggs infant heirs of Jeremiah Skeggs
deceased to the Bill in chancery filed
in your honorable court against them
& others by Joel S. Cox. These respondents
by their said guardian answering say
they have no doubt but the complain-
ant is entitled to the relief prayed
for, and that it would be to the inter-
est of these defendants to set once, clear
partition of the lands sought by the
Bill to be divided. But they are infants
& as such legally incapable to take
care of their rights. But the court of
chancery whose peculiar favorite they
are, will take care of, uphold and
enforce their rights. They therefore through
& by their said guardian commit their
rights & interests in the premises to the
provident care of the court, who the law
has wisely committed it to, and ask
the Court to do in the premises what
soever may appear to their interests
to be done, having fully answered &c
they pray to be hence dismissed &c

H. J. Morgan

H. J. Morgan
vs ~~Guardian~~
answer
of infants

Juel S Cox

Ans. Answer of Guardian
ad litem filed by leave of
the court.

Joel S Cox complainant

vs

Final Decree

Jeremiah Sceggs heirs et als depts

This cause came on to be heard on the Bill & exhibits, former decree of the court & commissioners report and being argued by counsel. and the court being sufficiently advised now finally decrees & orders, It appears to the satisfaction of the court that the commissioners appointed by a former decree of the court to divide the lands of Jeremiah Sceggs deceased among his heirs, and to take an account of rents & improvements, has made a division & allotment amongst & to those entitled thereto and has taken said account, a report of which they filed on the 19th of Oct 1868 and no Exceptions being taken or filed thereto the action of the said commissioners in the premises is approved by this court & their report confirmed. It is now finally adjudged & decreed, that Dixon, S. Litton take and hold in Severally the Lot of the said Land laid out & allotted to him, it being the part owned by Shelton & wife & conveyed by them to the complainant Cox and by him conveyed to the said Dixon, S. Litton & by his order Decreed & allotted to said Litton. It is further adjudged & decreed that Martha Ann Burk take and hold in Severally with all & singular the appurtenances the Lot of said Land laid out to

her, and it is adjudged & decreed, that Polly
Seegs take and hold in severally the lot of
Land laid off & allotted to her, with all its appur-
tenances, and that John Seegs take and
hold in severally the lot of Land laid out and
allotted to him, with its appurtenances, and that
Minerva Seegs take and hold in severally the
lot of said Land laid out & allotted to her
with its appurtenances, and that Rebeca Seegs
take and hold in severally the lot of Land laid
out & allotted to her with its appurtenances, and
that Elizabeth Seegs take & hold in severally the
lot of Land laid out & allotted to her. It is further
adjudged decreed & ordered that the complement
reaver of John Seegs Guardian de But for the use
of Dixon & Litton \$40.99 that being the one seventh
of the rents for 1867 & 1868 after deducting the one seventh
of the value of the improvements, \$25.28 its of said
Sum of \$40.99 is to bear interest from the 1st
day of March 1868, and for which the said Jf
for the use of said Litton may have execution
and \$15.71 its of said Sum of \$40.99 is to bear
interest from the 1st of March 1869, after
which time execution may issue therefor
if not paid, it is further adjudged decreed
& ordered that the clerk of this court tax
the costs herein which the said parties
are ordered to pay in due & equal
proportions, that is each one of the

parties owning a share of said Land divided
is to pay one seventh part of the costs &
expenses of this suit & the division of
said Land, the parties are hence dis-
missed & this cause is struck from
the docket.

Isabel S. Cox
vs. Finab
Decree

A. Seegs heirs et al.

V.B. p 369.

Recorded Deed Book
No 15 p 642.
St. J. Morgan C.C.

Joel S Cox complainant

vs

Jeremiah Skeggs heirs & others debts

order

This cause is set for trial on the motion of the complainant, and thereupon Fleming H Shelton & Sarah J Shelton entered their appearance to the Bill, and it appearing that Martha Ann Buck & her husband Stephen Buck Polly Skeggs, John Skeggs, Manerva Skeggs, Relica Skeggs, and Elizabeth Skeggs, are infants therefore Henry J Morgan is appointed guardian Ad Litem for them, who thereupon accepted said appointment, and filed his answer for them. And by consent the following decree is rendered. It is adjudged ordered & decreed that the lands in the Bill & Exhibits mentioned, be partitioned between the complainant, and the other heirs of Jeremiah Skeggs named in the Bill, except Shelton & wife, they having sold & conveyed their interest to the complainant. Their share is to be laid out to him, Gar Bailey, David Cox, & John Reason are appointed commissioners to make said partition. They are ordered to give to the parties except Shelton & wife reasonable notice of the time they will execute this decree after which they will proceed to divide the said lands in the Bill mentioned into seven Equal lots or shares, in value having due regard to quality & quantity, and

when so divided they will then proceed to allot
to the complainant one share, and to Martha
Ann Burk one share and to Polly Skeggs
one share, and to John Skeggs one share
and to Mary Skeggs one share and to Helen
Skeggs one share and to Elizabeth Skeggs
one share, it is agreed that Dixon & Linton
has bought the complainant's interest &
is entitled to his share & that said Linton
owns other lands adjoining the lands
to be partitioned. Therefore the said commis-
sioners are ordered to, if it can be done
without prejudice to the rights of the
other cotenants, lay out the lot of the
complainant adjoining to the lands
^{if it can be done without prejudice to the rights of the other cotenants}
of the said Dixon & Linton. The said
commissioners are required to make a
plain plat of the whole lands divided
and also a plat showing the several
lots or shares herein required to be
laid out and the meets and bounds
thereof, and report plainly, ~~to which~~
of said ~~contenants~~ lots are adjacent to
each tenant to which they may allot
it. It is further adjudged decreed
ordered that the complainant Cox
is entitled to receive of the guardians
John Skeggs, William Andris & Samuel
Burk, the one seventh part of the rents for
which the lands rented for the years
it has been rented since the complainant
bought the share of Shelton & wife, sub-
ject to a credit however for one seventh

of the needful & necessary repairs made by the
guardians thereon. It is therefore ordered &
decreed that the said commissioners herein
before named, after giving the parties
herein before named except Shelton & wife
^{and notice} proceed to ascertain, in what year the com-
plainant bought the interest of Shelton
& wife, then ascertain what rents has
fallen due on said lands since the
complainant bought said interest
and report the same, then they will
ascertain & report what the guardians
have expended for necessary repairs
to the said lands since the complainant
bought the share of Shelton & wife, or
if he bought it after it had been rented
& before the rent fell due, and any
repairs was made in the years he bought
it, after it was rented & before he
bought it, to ascertain & report how
much, to enable them to execute this
decree, they have power given them to
summon such witnesses as either party may
require or as they may think material
and to swear them & force them to give
evidence touching the premises, and
they also have power to summon anyone
having any deed or other writing in
his possession, that is material and
pertinent, to produce before them
the same, and they have power hereby
given them to do all acts, necessary
to be done to enable them fully to

discharge the duties herein required of
them to be done, and this course is
continued

Act of Gov

18 Decree

Jeremiah Huggokins
et al

Virginia,

At a Court of Quarter-Sessions continued and held for Lee County, at the Courthouse thereof, on Friday, the 21st day of August 1868.

Joel S. Cox - - - - - Plff

against

Jeremiah Scaggs' heirs et als. Defts

In Chy.

This Cause is set for trial on the motion of the Complainant, and thereupon Flemming F. Shelton and Sarah J. Shelton entered their appearance to the Bill, and it appearing that Martha Ann Burke and her husband Stephen Burke, Polly Skaggs, John Scaggs, Minerva Scaggs, Rebecca Scaggs, and Elizabeth Scaggs are infants, therefore Henry J. Morgan is appointed Guardian ad litem for them, who thereupon accepted said appointment, and filed his answer for them. And by consent the following decree is rendered: It is adjudged, ordered, and decreed that the lands in the Bill and Exhibits mentioned be partitioned between the Complainant, and the other heirs of Jeremiah Scaggs named in the Bill except Shelton and wife, they having sold and conveyed their interest to the Complainant their share is to be laid out to him - Barr Bailey, David Cox, and John Reaser are appointed Commissioners to make said partition they are ordered to give to the parties, except Shelton and wife, reasonable notice of the time they will execute this decree, after which they will proceed to divide the said lands in the Bill mentioned into seven equal lots or shares in value, having due regard to quality and quantity, and when so divided they will then proceed to allot to Complainant one share, and to Martha Ann Burke one share, and to Polly Skaggs one share, and

and to John Scagg one share, and to Minerva Scagg one share, and to Rebecca Scagg one share, and to Elizabeth Scagg one share. It is agreed that Dixonel. Sittou has bought Complainant's interest and is entitled to his share, and that said Sittou owns other lands adjoining the land to be partitioned, therefore the said Commissioners are ordered to, (if it can be done without prejudice to the other Cotenants) lay out the lot of the Complainant adjoining to the lands of the said Dixonel. Sittou, and if it can be done without prejudice to the other heirs, the share of the youngest heir Elizabeth is to be laid out adjoining her mother's dower. The said Commissioners are required to make a plain plat of the whole land divided, and also shewing the several lots or shares herein required to be laid out, and the metes and bounds thereof, and report plainly which of said lots are allotted to each tenant to which they may allot it. It is further adjudged, decreed, and ordered that the Complainant Con is entitled to receive of the Guardians John Scagg, William Andre, and Samuel Burke the one seventh part of the rents for which the lands rented for the years it has been rented since the Complainant bought the share of Shelton and wife, subject to a credit, however, for one seventh of the necessary, and needful repairs made by the Guardians thereon. It is therefore ordered and decreed that the said Commissioners, herein before named, after giving the parties hereinbefore named, except Shelton and wife, due notice, do proceed to ascertain in what year the Complainant bought the share of Shelton and wife; then ascertain what rents have fallen due on said lands since the Complainant bought said interest and report the same, then they will ascertain and report what the Guardians have expended for necessary repairs to the said lands.

lands, since the Complainant bought the share of Shelton and wife, or if he bought it after it had been rented and before the rent fell due, and if any repairs were made in the year he bought it, after it was rented and before he bought it, to ascertain and report how much; to enable them to execute this decree they have power given them to summon such witnesses as either party may require or as they may think material, and to swear them and force them to give evidence touching the premises, and they also have power to summon any one having any deed, or other writing in his possession, that is material and pertinent, to produce before them the same, and they have power hereby given them to do all acts necessary to be done to enable them fully to discharge the duties herein required of them to be done, and this Cause is continued.

A copy -

Leshe Henry J. Morgan Clerk

1.50

.50

1.50

3.50

7.00

54
Joel S. Cox

vs. } Copy of Decree of
 } Court at Aug. Term 1868.

Jeremiah Scagg's Heirs et al.

Exhibit to be shown the 12 day
of September 1868 at true
copy for ~~James S. Cox~~ ~~James S. Cox~~
John Kassar David Cox
by J. W. Scott & S

Recorded in Deed Book
No. 15, page 638.

Virginia,

At a Court of Quarter-Sessions continued
and held for Lee County, at the Courthouse thereof,
on Friday, the 21st day of August 1868.

Joel S. Cox ----- Plff
against ----- } In Chy.

Jeremiah Scaggs Heirs et al. - - Defts

This cause is set for trial on the motion of the Com-
plainant, and thereupon Flemming F. Shelton, and
Sarah J. Shelton entered their appearance to the Bill, and
it appearing that Martha Ann Burke, and her husband
Stephen Burke, Polly Scaggs, John Scaggs, Minerva
Scaggs, Rebecca Scaggs, and Elizabeth Scaggs are
infants, therefore Henry J. Morgan is appointed Guard-
ian ad litem for them, who thereupon accepted said
appointment and filed his answer for them. And by con-
sent the following decree is rendered: It is adjudged,
ordered, and decreed that the land in the Bill and
Exhibits mentioned be partitioned ^{to} between the Complain-
ant and the other heirs of Jeremiah Scaggs named in
the Bill, except Shelton and wife - they having sold
and conveyed their interest to the Complainant their
share is to be laid out to him - Carr Bailey, David
Cox, and John Reasor are appointed Commis-
sioners to make said partition, they are ordered to give
to the parties, except Shelton and wife, reasonable no-
tice of the time they will execute this decree, after
which they will proceed to divide the said lands in
the Bill mentioned into seven equal parts or shares
in value, having due regard to quality and quantity,
and when so divided they will then proceed to allot
to Complainant one share, and to Martha Ann Burke
one share, and to Polly Scaggs one share, and

Isaac S Cox

Plff

} In Chancery

vs.
Jeremiah Skaggs Hirs + others Defendants

I William H Burns do swear that Fleming F. Hutton
and Sarah J. Hutton his wife two of the defendants in the above styled
cause are non residents of the State of Virginia

Wm H Burns

Sworn to and Subscribed before me the 1st day of April 1868.

Henry J. Morgan, C. C.

Joel S. Gay.

vs. $\frac{1}{3}$ Affd.

Jeremiah Stagg. Nuncius

Yael S. Cox
plff. against
Jeremiah Skaggs
heirs ^{et al} Defts
Commissioners Plat
& Report of Partition
of the lands &c.

Filed Oct 19th 1868.
H. J. Morgan C.C.

Recorded in Deed Book
No. 15 pages 639, 640, 641 & 642
H. J. Morgan C.C.

And we have allotted to Martha Ann Burke one share which is designated as lot No. 2 ^{ye} which ^{lot 1 & 2} is bounded as follows to wit. Beginning at a stake corner to lot No. 3. & with line thereof N 34 W 37 poles to a poplar on a plot thence N 68 W 24 poles to a stake corner to Hobbs land & with line of the same S 40 W 64 poles to a white oak stump & Rock thence S 24 E 9 1/2 poles to a stake corner to Dixon S. Littor's land & with line thereof S 88 E 54 poles to a stake thence S 76 1/2 E 19 1/2 poles to a stake corner to lot No. 1. & with a line thereof N 56 E 18 poles to the beginning containing 18 acres be the same more or less. See Fig. 31, 32, 9, 8, 7, 6, 3, 5, 31. And ^{in addition to the above} we have allotted to the said Martha Ann Burke an other piece of land which is represented by Fig. 10, 11, 12, 14, 36, 10 & is bounded as follows to wit. Beginning at a beech & hickory corner to lot No. 3. & also corner to Hobbs land & with line of the latter N 86 W 50 poles to a hickory & maple N 51 W 80 poles to a stake corner to James Flanary's land & with a line thereof North 13 poles to a gum near the Holt field, on Dixon S. Littor's line & with the same S 51 E 60 poles to a chestnut & white oak thence S 86 E 70 poles to a stake corner to lot No. 3. & with a line of the same due South 13 poles to the beginning. Containing 9 acres be the same more or less. And we have allotted to Polly Skaggs one share which is designated as lot No. 3. which is bounded as follows to wit. Beginning at a stake ^{with} corner to lot No. 2. & on a line of lot No. 1. & the same N 56 E 26 poles to a stake corner to lot No. 4. & with a line of the same N 34 W 140 poles to a stake on Hobbs line & with line thereof S 70 W 22 poles to 3 poplars on a hill side above the head of a spring. N 86 W 30 poles to a stake corner to part of lot No. 2. & with a line of the same due South 13 poles to a beech & hickory

corner to said Hobbs land & with a line of the same S 51 E 78 poles to a stake corner to lot No. 2. & with line thereof S 68 E 24 poles to a poplar on a plot thence S 34 E 57 poles to the beginning containing 38 acres be the same more or less. See Fig. 31, 30, 29, 15, 36, 10, 9, 32, 31. And we have allotted to John Skaggs one share which is designated as lot No. 4 which is bounded as follows to wit. Beginning at a stake corner to lot No. 3. & on a line of lot No. 1. & with the same N 56 E 22 poles to a stake thence N 64 E 3 poles to a stake corner to lot No. 5. & with a line of the same N 34 W 140 poles to a stake on Hobbs line & with the same S 70 W 25 poles to a stake corner to lot No. 3. & with a line of the same S 34 E 140 poles to the beginning. Containing 20 acres be the same more or less. See Fig. 30, 34, 27, 28, 29, 30. And we have allotted to Rebecca Skaggs one share which is designated as lot No. 5 which is bounded as follows to wit. Beginning at a stake corner to lot No. 4. & on a line of lot No. 1. & with line of the same N 64 E 16 poles to a stake thence N 53 E 10 poles to a stake corner to lot No. 1. & lot No. 6. & with a line of the latter N 35 W 100 poles to a stake on the Crab tree line near where Ab. Whismore now lives & with said Crab tree line S 53 W 18 poles to a stake corner to a survey made in the name of Hiram Davis & with ^{line} thereof N 45 W 34 poles to a stake thence S 70 W 8 poles to a stake corner to lot No. 4. & with a line thereof S 34 E 140 poles to the beginning. Containing 16 acres be the same more or less. See Fig. 27, 35, 25, 24, 17, 16, 28, 27. And we have allotted to Merena Skaggs one share which is designated as lot No. 6 which is

bounded as follows to wit: Beginning
at a stake on the widow's down line & corner
to lot No. 7. & with a line of the latter N 35 W
120 poles to a stake on the Crabtree line
near the top of a spur thence with the
said Crabtree line S 55 W 25 poles to a
stake near where Ab. Whisman now lives
corner to lot No. 5 & with a line of the same
S 35 E 100 poles to a stake corner to lot No. 5 & lot
No. 1. & with a line of the latter S 40 E 46 poles
to a stake on Dixon S. Lutton's line & with the
same S 60 E 3 1/2 poles to a stake ^{alive} corner to the said
down lands & with of the latter North 32 poles
to the beginning. Containing 17 acres be the
same more or less. See figs. 22, 23, 24, 26, 26, 2, 22.
And we have allotted to Elizabeth Skaggs
one share, which is designated as lot No. 7, which
is bounded as follows to wit: Beginning at
a bush on the East side of the Big branch
corner to the widow's down lands & with a line
thence S 25 E 16 poles to a hickory stump by said
branch thence N 48 E 25 poles to a bush thence
S 21 E 46 poles to a stake in the road where the
branch crosses the same thence due South
42 poles to a stake corner to lot No. 6 & with
a line of the same N 35 W 120 poles to a stake
near the top of a spur on the Crabtree line &
with said line N 55 E 115 poles to a stake
corner to said widow's down lands & with a line of
the same S 46 W 95 poles to the beginning.
Containing 24 acres be the same more or
less. See figs. 19, 20, 21, 1, & 22, 23, 18, 19. There being
no spring water on lots No. 1, 2, 3, & 6. The
owner or tenants of said lots shall have

the right and privilege to use water as
follows: The owner or tenants of lot No. 1,
to use water from a spring on lot No. 4, where
John Willis now lives. And the owner or
tenants of lots No. 2 & 3 to use water from
said spring as a spring that was assigned
to Jeremiah Skaggs him from William
Kobbs Estate, or both. And the owner
or tenants of lot No. 6, to use water from
a spring on lot No. 5 near where Ab. Whisman
now lives. It being represented to us by good
authority that Jeremiah Skaggs in his lifetime
purchased from Dixon S. Lutton, small portions
of lots No. 1 & 2, and that he never obtained
legal title for the same. But the said Lutton
acknowledges that he sold him (Skaggs) the
land and received the purchase money for
the same. and we have ^{there} this land in to
account in the partition, and we consider it
as rightfully belonging to the said Jeremiah
Skaggs estate. The portions thus purchased are
represented on the diagram thus: from the point
4 a straight line to 8. and around by 7, 6, 5, & to 4 again
making two small triangles. They both coming to
a point at the point 6. The line as it originally
ran between the said Lutton and said Skaggs
ran straight from the point 4 to 8 or rather from
3, to 8. We are informed that there was no
writings of any sort between the parties in
relation to said land, and that it was merely
a verbal contract between them.
And in relation to the rents of the lands
we have ascertained ^{that} the Plaintiffs Co. purchased
the share of Skelton and wife in the fall

All of which is Respectfully Submitted
 Carr Bailey Surveyor & Commissioner per \$32.34
 David Cox Commissioner 5 days @ \$2. per day 10.00
 John Reason Commissioner 5 days @ \$2. per day 10.00
 J. H. Hildreth Under Chain Carrier 1 day - 1.00
 Thomas Asch Dis Chain Carrier 1 day - 1.00
 Wm. Johnson Under Chain Carrier 1 day - 1.00

Carr Bailey }
 David Cox } Comm.
 John Reason }

All of which is Respectfully,
 Carr Bailey Surveyor Commissioner fees \$32.34
 David Cook Commissioner 5 days \$2.00
 John Heaslip Commissioner 3 days \$1.00
 Contributed Modern Chain Commissioner 1 day \$2.00
 Hymus Asendis Chain Commissioner 1 day 1.00
 W. H. Johnson Chain Commissioner 1 day 1.00

Virginia,

At Rules held in the Clerk's Office of the County Court of
Lee County, on Monday, the 4th day of May 1868.

Joel S. Gon ----- Plff

against

Mourning Andis, John Andis, Sarah J. Shelton,
Flemming^{F.} Shelton, Martha Ann Burke, Stephen
Burke, Samuel Burke, Polly Scagg, John Scagg, Jr, } defts } In Chancery
Minerva Scagg, Rebecca Scagg, Elizabeth
Scagg, and John Scagg Sr. ----- }

The objects of this suit are to obtain partition of the Lands in the
Bill mentioned, and that the defendants John Andis, John Scagg
Sr., and Samuel Burke, Guardians for the infant defendants,
be decreed to pay to the plaintiff any sum they may owe
him for the rents and profits of the land in the Bill mention-
ed. And it appearing from an affidavit filed in this
cause that Flemming Shelton and wife are non-residents
of this Commonwealth, They are therefore ordered to appear
here within one month after due publication of this order,
and do what is necessary to protect their interest in this suit.

A copy -

Teste Henry J. Morgan Clerk.

Virginia Lee County Court.

I Henry J. Morgan clerk of the county, Court of Lee
County, in the State aforesaid do certify, that on Monday May
the 18th 1868 that being court day, I posted at the front door of the
court house of said county, a copy of the within Order.

Henry J. Morgan. Clk.

Jud. S. Cas.

as 3 Order Publication

Manning Andischal

ch 592

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING;

WE COMMAND YOU TO SUMMON

Elizabeth Scaggs

to appear before the Justices of our County Court for Lee county, at the Court House,
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday
in *June* next, to answer *a Bill in Chancery ex-*
hibited in our said Court against them by Joel
S. Cox

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *6th* day of *May* 186*8*, in
the *9th* year of the Commonwealth.

Henry J. Morgan Clerk.

Joel S. Cox

vs. } Spa in Chy.

Elizabeth Scagg
June Rules 1868.

Executed on Elizabeth Scagg
by delivering an attested office
copy of the within Spa to John
McIndis her Guardian, she being
absent,

J. W. Orr, & Co.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

^{again}
WE COMMAND YOU TO SUMMON Mourning Andis, John Andis, Sarah f. Shelton, Fleming F. Shelton, Martha Ann Burke, Stephen Burke, Polly Scagg, John Scagg Jr., Minerva Scagg, Rebecca Scagg, John Scagg Sr., and Samuel Burk, and Elizabeth Scagg.

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's office, at Rules to be holden for the said Court, on the ^{first} Monday in ~~May~~ ^{June} next, to answer a Bill in Chancery exhibited in our said Court against them by Joel S. Cox.

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this 6th day of May 1868, in the 9th year of the Commonwealth.

Henry J. Morgan—Clerk.

Joel S Cox

v.s. { Alias Spa. in Chy.
Martha Ann Burk et al.
~~Manning Brothers et al.~~

June Rules 1868

Executed on Martha Ann Burk
by delivering ^{to her} an attested office
copy of the within writ.

Executed on Stephen Burk &
Samuel Burk by leaving an at-
tested office copy for each of them
with their wives. and explaining
the same to them. they being
absent. June 1st 1868.

J. W. Orr, S. C. C.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING :

WE COMMAND YOU TO SUMMON *Mourning An ~~Liss~~, John And ~~is~~,
Sarah J. Shelton, Flemming F. Shelton, Martha Ann
Burk, Stephen Burk, Polly Skeggs, John Skeggs Jr,
Minerva Skeggs, Rebecca Skeggs, John Skeggs Sr,
and Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday
in *May* next, to answer *a Bill in Chancery ex-*
hibited in our said Court against them by Joel
S. Cox

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *30th* day of *March* 1868, in
the *9th* year of the Commonwealth.

Henry J. Morgan Clerk.

Joel S. Cox

vs. } Spain Chy.

Mourning Andis et als.

May Rules 1868.

Executed an mourning Andis
John Andis, Polly Skaggs, John Skaggs,
P. Manerua Skaggs, Rebecca Skaggs,
John Skaggs Jr. by delivering to
each an attested office copy of
the within writ.

Jath W. M. S. L. L.

C- 25.59

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Mourning Audis, John Audis,
Sarah J. Shelton, Flemming F. Shelton, Martha
Ann Burk, Stephen Burk, Polly Skeggs, John
Skeggs Jr, Minerva Skeggs, Rebecca Skeggs, John
Skeggs Sr. and Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,
in the Clerk's office, at Rules to be holden for the said Court, on the *first*-Monday
in *May* next, to answer *a Bill in Chancery ex-*
hibited in our said Court against them by
Joel S. Cox

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *30th* day of *March* 1868, in
the *92nd* year of the Commonwealth.

Attest Henry J. Morgan Clerk.
Lester Henry J. Morgan Clerk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Mourning Audis, John Audis,
Sarah J. Shelton, Flemming F. Shelton, Martha
Ann Burk, Stephen Burk, Polly Skeggs, John
Skeggs Jr, Minerva Skeggs, Rebecca Skeggs, John
Skeggs Sr and Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday
in *May* next, to answer a *Bill in Chancery ex-*
hibited in our said Court against them by
Joel S. Cox

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *30th* day of *March* 1868, in
the *9th* year of the Commonwealth.

A copy - Henry J. Morgan Clerk.
Teste - Henry J. Morgan Clerk

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Mourning Andis, John Andis,
Sarah J. Shelton, Fleming F. Shelton, Martha
Ann Burk, Stephen Burk, Polly Skeggs, John Skeggs,
Minerva Skeggs, Rebecca Skeggs, John Skeggs Sr.,
and Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday
in *May*— next, to answer *a Bill in Chancery ex-*
hibited in our said Court against them by
Joel B. Cox

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *30th* day of *March* 1868, in
the *92nd* year of the Commonwealth.

Attest- Henry J. Morgan Clerk.
Teste- Henry J. Morgan Clerk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Mourning Audis, John Audis,
Sarah J. Shelton, Flemming F. Shelton, Martha
Ann Burk, Stephen Burk, Polly Skeggs, John Skeggs Jr.,
Minerva Skeggs, Rebecca Skeggs, John Skeggs Sr. and
Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,
in the Clerk's office, at Rules to be holden for the said Court, on the *first*-Monday
in *May* next, to answer a *Bill in Chancery ex-*
-hibited in our said Court against them by
Joel S. Cox

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *30th* day of *March* 1868, in
the *9th* year of the Commonwealth.

A copy- *Henry J. Morgan* Clerk.
Teste *Henry J. Morgan* Clerk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Mourning Andis, John Andis,
Sarah J. Shelton, Flemming F. Shelton, Martha
Ann Burk, Stephen Burk, Polly Sheggs, John
Sheggs Jr, Minerva Sheggs, Rebecca Sheggs, John
Sheggs Sr and Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,
in the Clerk's office, at Rules to be holden for the said Court, on the *first*-Monday
in *May* next, to answer a *Bill in Chancery ex-*
hibited in our said Court against them by
Joel S. Cox

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said
Court, at the Court House, this *30th* day of *March* 1868, in
the *9^{2nd}* year of the Commonwealth.

A copy - Henry J. Morgan - Clerk.
Teste - Henry J. Morgan - Clerk.

VIRGINIA :

WASHINGTON COUNTY, TO WIT :

I do hereby certify that the annexed Notice has been published
four weeks successively, ending *June 12th* 1868,
in the "ABINGDON VIRGINIAN," a newspaper published in the
town of Abingdon, Va. Given under my hand this *24th*
day of *June*, 1868.

Geo. O. Barr,
Jr. Ed. "Virginian".

VIRGINIA—At Rules held in the Clerk's
office of the County Court of Lee county,
on Monday, the 4th day of May, 1868:

Joel S. Con, Complainant,
AGAINST
Mourning Andis, John Andis, Sarah J. Shel-
ton, Flemming F. Shelton, Martha Ann
Burke, Stephen Burke, Samuel Burke,
Polly Scaggs, John Scaggs, jr., Minerva
Scaggs, Rebecca Scaggs, Elizabeth Scaggs,
and John Scaggs, sr., Defendants.

IN CHANCERY.

The objects of this suit are to obtain par-
tition of the lands in the Bill mentioned, and
that the defendants John Andis, John
Scaggs, sr., and Samuel Burke, Guardians
for the infants defendants, be decreed to
pay to the plaintiff any sum they may owe
him for the rents and profits of the land in
the bill mentioned. And it appearing from
an affidavit filed in this cause, that Flem-
ming Shelton and wife are non-residents of
this Commonwealth, they are, therefore,
ordered to appear within one month after
due publication of this order, and do what is
necessary to protect their interest in this
suit. A Copy.—Teste,

HENRY J. MORGAN, CLK.

May 22, 1868—4w

Joel S. Cox

VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published
four weeks successively, ending *August 21st* 1868,
in the "ABINGDON VIRGINIAN," a newspaper published in the
town of Abingdon, Va. Given under my hand this *22nd*
day of *August*, 1868.

Geo. R. Barr,
Jr. Ed. "Virginian",

VIRGINIA:—At Rules held in the Clerk's
office of the County Court of Lee county, on
Monday, the 4th day of May, 1868:

Joel S. Cox,

Complainant,

AGAINST

Mourning Andis, John Andis, Sarah J. Shelton,
Flemming F. Shelton, Martha Ann Burke, Ste-
phen Burke, Samuel Burke, Polly Scaggs, John
Scaggs, jr., Minerva Scaggs, Rebecca Scaggs,
Elizabeth Scaggs, and John Scaggs, sr., Defts.

IN CHANCERY.

The objects of this suit are to obtain partition of
the lands in the Bill mentioned, and that the de-
fendants John Andis, John Scaggs, sr., and Samuel
Burke, Guardians for the infants defendants, be de-
creed to pay to the plaintiff any sum they may owe
him for the rents and profits of the land in the bill
mentioned. And it appearing from an affidavit
filed in this cause, that Flemming Shelton and wife
are non-residents of this Commonwealth, they are,
therefore, ordered to appear within one month af-
ter due publication of this order, and do what is ne-
cessary to protect their interest in this suit.

A Copy.—Teste,

HENRY J. MORGAN, CLK.

July 31, 1868.—4w

Jack S. Cox